

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| CURLIN PENNICK, III, |) | |
| |) | |
| Plaintiff, |) | CASE NO. C05-1198RSM |
| |) | |
| v. |) | ORDER OF DISMISSAL |
| |) | |
| DEAN MASON, et al., |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The Court, having reviewed the parties' motions for summary judgment, plaintiff's motion for a temporary restraining order, plaintiff's motion to amend the complaint, the Report and Recommendation ("R&R") of the Honorable Monica J. Benton, and the remaining record, finds and Orders as follows:

(1) The Court ADOPTS the Report and Recommendation with the following additional comments. In his Objections, plaintiff explicitly waives all of his claims except for one, which is apparently asserted on behalf of the inmates to whom he provides legal assistance. (Dkt. #62 at 2). He informs the Court that he "would like to make his claim clear that . . . plaintiff asserts that inmates have the right to be helped by him." (Dkt. #62 at 2). Judge Benton thoroughly addressed that "right" in her R&R, explaining that the DOC policy at issue does not prevent

1 plaintiff from providing legal assistance to other inmates, but rather, it prevents plaintiff from
2 possessing another inmate's legal papers outside of the law library. (Dkt. #57 at 8-9). She went
3 on to determine that such restriction does not violate plaintiff's rights, or the rights of inmate
4 Carbone, and therefore, defendants' confiscation of Mr. Carbone's legal documents also did not
5 violate plaintiff's rights. (Dkt. #57 at 9-10). Plaintiff has not persuaded this Court that Judge
6 Benton's conclusion was erroneous.

7 Because plaintiff has waived all of his remaining claims, this Court need not address the
8 other portions of Judge Benton's R&R.

9 (2) Defendant's Motion for Summary Judgment (Dkt. #47) is GRANTED, and this
10 matter is DISMISSED with prejudice.

11 (3) Plaintiff's Motion for Summary Judgment (Dkt. #37) is DENIED.

12 (4) Plaintiff's Motion for Temporary Restraining Order (Dkt. #54) is DENIED.

13 (5) Plaintiff's Motion to Amend Complaint (Dkt. #63) is STRICKEN AS MOOT.

14 (6) The Clerk is directed to send a copy of this Order to Plaintiff, counsel for defendants,
15 and to the Hon. Monica J. Benton.

16 DATED this 25th day of October, 2006.

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19 RICARDO S. MARTINEZ
20 UNITED STATES DISTRICT JUDGE
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